

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | Case No. 1:16-cr-00025 |
| |) | |
| Plaintiff, |) | Judge Dan Aaron Polster |
| |) | |
| vs. |) | <u>OPINION AND ORDER</u> |
| |) | |
| ABDUL GLOVER, |) | |
| |) | |
| Defendant. |) | |

Before the Court is Defendant Abdul Glover’s Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c), **Doc #: 44**. On July 7, 2016, Glover was sentenced to 180 months in the custody of the Bureau of Prisons (“BOP”) after he pled guilty to one count of Felon in Possession of a Firearm and Ammunition in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). Doc #: 15, Doc #: 23. He is currently being held at FCI Manchester with an expected release date of September 23, 2028. Glover states that he suffers from asthma and sickle cell trait and would be at a high risk of grave illness were he to contract COVID-19. Doc #: 44. Glover also notes that he cannot socially distance at FCI Manchester and receives only a single temperature check a week to test for COVID. *Id.* Glover accordingly asks the Court to release him to home confinement or otherwise to reduce his sentence. *Id.*

The statute authorizing compassionate release, 18 U.S.C. § 3582(c)(1), contains an exhaustion requirement. The exhaustion requirement mandates that a criminal defendant first ask the BOP to bring a motion for compassionate release on his behalf. 18 U.S.C. § 3582(c)(1). Thereafter, a defendant may file a motion for compassionate release in the district court only

after he has either fully exhausted his rights to appeal the BOP's failure to bring the motion on his behalf or when thirty days have passed from the warden's receipt of the request. 18 U.S.C. § 3582(c)(1)(A). This requirement is a "mandatory claim-processing rule" that does not permit a court to create any exception. *United States v. Alam*, 960 F.3d 831, 833–34 (6th Cir. 2020).

Glover's Motion does not indicate that he has satisfied the mandatory exhaustion requirements of § 3582(c)(1)(A), and the Court cannot waive them. Glover may file a motion for compassionate release in the district court once he has presented his request to the warden of his facility and at least 30 days have passed since the warden's receipt.

Accordingly, the Court *sua sponte* **DENIES WITHOUT PREJUDICE** the pending Motion for Compassionate Release. **Doc #: 44.**

IT IS SO ORDERED.

/s/*Dan A. Polster* August 5, 2020
Dan Aaron Polster
United States District Judge